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 MELVILLE, NY 11747

WESTCHESTER  
 445 HAMILTON AVENUE  
 WHITE PLAINS, NY 10601

GREENE  
 11 WHISPER CREEK DRIVE  
 WINDHAM, NY 12496

NEW JERSEY  
 744 FLOYD STREET  
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 BRIANNA WEPPLER  
 MICHAEL ZAITZ

□ ADMITTED IN NY AND NJ  
 \* ADMITTED IN NJ  
 » ADMITTED IN NY AND PA  
 + ADMITTED IN NY, NJ AND PA

OF COUNSEL  
 JOHN J. DUFFY (1925-2023)  
 MICHAEL B. TITOWSKY

April 15, 2025

Honorable Nelson Stephen Roman  
 United States District Court Southern District  
 300 Quarropas Street  
 White Plains, New York 10601-4150

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 4/16/2025

*Re: Darnell R. Hicks v. J. Marques #154, et. al.*  
 Docket No.: 7:24-cv-07890- NSR

Dear Judge Roman:

We represent the defendants, J. MARQUES #154 and MALFETANO #170. In this *pro se* action, Plaintiff alleges that Defendants violated his constitutional right of Freedom of Speech by arresting him on October 8, 2024. Because the criminal charges against Plaintiff arising from this incident remain pending in state court, I write to request that this action be either stayed until the conclusion of these state court proceedings or dismissed without prejudice pursuant to the Supreme Court's decision in *Younger v. Harris*, 401 U.S. 37 (1971).

Pursuant to the doctrine of "*Younger* abstention," federal courts "should generally refrain from enjoining or otherwise interfering in ongoing state proceedings." See Spargo v. N.Y. State Comm'n on Judicial Conduct, 351 F.3d 65, 74 (2d Cir. 2003). *Younger* abstention is required when three conditions are met: "(1) there is an ongoing state proceeding; (2) an important state interest

MEMO ENDORSED

is implicated in that proceeding; and (3) the state proceeding affords the federal plaintiff an adequate opportunity for judicial review of the federal constitutional claims.” Diamond “D” Constr. Corp. v. McGowan, 282 F.3d 191, 198 (2d Cir. 2002). “Federal courts must abstain from exercising subject matter jurisdiction over federal constitutional claims that involve or call into question ongoing state proceedings.” Wilson v. Emond, 373 Fed. App’x. 98, 100 (2d Cir. 2010). “[W]hen Younger applies, abstention is mandatory and its application deprives the federal court of jurisdiction in the matter.” Diamond “D” Constr., 282 F.3d at 197 (2d Cir.2002).

Applying these criteria, courts in the Second Circuit have repeatedly held that Younger abstention prohibits district courts from exercising jurisdiction over cases where there is a parallel criminal action about the same underlying conduct pending against the plaintiff in state court. See Manchanda v. Bose, No. 14 CIV. 9658 LGS, 2015 WL 81998, at \*3 (S.D.N.Y. Jan. 6, 2015) (dismissing plaintiff’s complaint for constitutional violations without prejudice due plaintiff’s pending criminal proceeding); Andujar v. City of New York, No. 11 CIV. 5466 RJS, 2012 WL 5177515, at \*4 (S.D.N.Y. Oct. 16, 2012) (dismissing the action pursuant to the abstention doctrine as plaintiff’s state action is ongoing); Barker v. Suffolk Cnty., No. 24-CV-07941 (OEM) (JMW), 2024 WL 4827739, at \*2 (E.D.N.Y. Nov. 18, 2024) (holding that the Younger abstention doctrine applies as the federal courts cannot interfere with an ongoing state criminal proceeding); Owens v. Inc. Vill. of Garden City, No. 23-CV-07730-JMA-ST, 2024 WL 4728593, at \*5 (E.D.N.Y. Nov. 8, 2024)(administratively closing § 1983 case during pending criminal proceeding and permitting plaintiff to request in writing that the case be reopened within two weeks of conclusion of underlying case).

In the case at bar, Plaintiff’s complaint alleges, *inter alia*, First Amendment violations stemming from an arrest on October 8, 2024. Two defendants in this action, Police Officer Jason Marques and Police Officer Brett Malfetano, signed violations charging Plaintiff with Disorderly Conduct as he violated section 240.20(3) of the Penal Law of the State of New York. (Ex. A). This charge remains pending in Ossining Town Court and have been assigned the docket number 24100117. Accordingly, it is respectfully submitted that this case should not proceed until the underlying state court criminal case is resolved.

Thank you for considering my clients’ position in this matter. Should the court require additional briefing on this issue, I respectfully request that this letter be construed as a request for a pre-motion conference request under Your Honor’s Individual Rules of Practice.

Respectfully submitted,  
MORRIS DUFFY ALONSO FALEY & PITCOFF

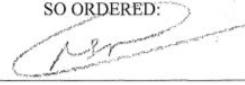
/s/ Lauren Casparie  
Lauren Casparie  
101 Greenwich St. 22<sup>nd</sup> Floor  
New York, New York 10006  
*Counsel for Defendants*

Encl.

**The Court is in receipt of Defendants’ request for a stay pending resolution of related state criminal proceedings. Defendants’ request is GRANTED without prejudice to renew. The instant matter shall be stayed until August 14, 2025. The parties are directed to provide the Court a status report at the conclusion of the stay period. The Clerk of Court is directed to terminate the motion at ECF No. 23 and to mail a copy of this endorsement to *pro se* Plaintiff at his address as it is listed on ECF and show service on the docket.**

**Dated: April 16, 2025**

**White Plains, NY**

SO ORDERED:  
  
NELSON S. ROMÁN  
United States District Judge

CC: **VIA EMAIL AND CERTIFIED MAIL**

Darnell R. Hicks  
*Pro se Plaintiff*  
901 Main Street, Apt. 6C  
Peekskill, NY 10566  
E: [stizzy730@gmail.com](mailto:stizzy730@gmail.com)

## EXHIBIT A

## The People of the State of New York

vs. Darnell Hicks

Date of Birth

## DEFENDANT CONTACT INFORMATION

901 Main Street Apt 6c Rockville MD

Mailing Address:  
(if different than ID address)

Preferred method of contact  Cell Phone/Text Number: 9445612812  Home Phone  Email Address  USPS Mail

## CHARGES

You have been charged with the following offenses:

Charge Description	Law/Section/Subsection
240.20(3) Disorderly conduct	
City/Town/Village of Occurrence	County of Occurrence
OSSINING	WESTCHESTER

To wit: On the above date, time, and location, the defendant

**COURT DATE**

You are hereby directed to appear in the following court to answer the above charge(s):

Court: **TOWN OF OSSINING**

Location: 86 SPRING STREET, OSSINING, NY 10562

Part/Room:

Date: 10/15/20 24

Time: 9 : 00 AM  PM

If you do not appear to answer the above charges, a warrant may be issued for your arrest, and you may face additional charges that could subject you to a fine, imprisonment or both if you are convicted.

**NOTICE:** You are advised to consult an attorney as soon as possible regarding this matter.

Arresting Agency: OSSINING POLICE DEPARTMENT



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## VIOLATION INFORMATION

D.D. No.....

Case Report No: OV-00917-24Appearance Ticket: 13126Arrest Number....: OV-00543-24Defendant in Custody from: 19:27 October 08, 2024Blotter/CC No.: OV-027678-24Return Date...: 10/15/2024

Court Docket No.: \_\_\_\_\_

TOWN OF OSSINING JUSTICE COURT  
 86 SPRING ST., OSSINING, NY 10562  
 THE PEOPLE OF THE STATE OF NEW YORK  
 against

DARNELL R HICKS (47)  
 901 MAIN STREET APT 6C  
 PEEKSKILL, NY

D.O.B.:

(1) [REDACTED]

STATE OF NEW YORK<sup>SS</sup>  
 COUNTY OF WESTCHESTER

PO BRETT J MALFETANO, Shield 170, being duly sworn, deposes and says that he is a member of the VILLAGE OF OSSINING POLICE DEPARTMENT, County of WESTCHESTER, State of New York and that on the 8 day of October, 2024, at about 5:18 PM at STATE ST OSSINING in the County of WESTCHESTER, State of New York.

DARNELL R HICKS

## OFFENSE

DISORDERLY COND  
 CLASS X  
 VIOLATION

THE DEFENDANT(S) DID VIOLATE SECTION 240.20 SUBDIVISION 3 OF THE PENAL LAW OF THE STATE OF NEW YORK, IN THAT AT THE TIME AND PLACE AFORESAID, THE SAID DEFENDANT(S) DID WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATE A RISK THEREOF. IN A PUBLIC PLACE, HE USED ABUSIVE OR OBSCENE LANGUAGE, OR MADE AN OBSCENE GESTURE, TO WIT; On October 8th, 2024 at approximately 1727 Hours on the North east Corner of Broad Ave and State Street Darnell Hicks(DOB05/16/1977) was yelling in an aggressive manner on a public sidewalk and stated "Suck My" on a public sidewalk causing a crowd to form.

Supporting Deposition of OFFICERS OBSERVATION annexed hereto and made a part hereof.

This complaint is based on personal knowledge, the source being, POLICE INVESTIGATION

Prepared By  
 PO B MALFETANO

Subscribed and sworn to before me  
 this 8 day of October, 2024

SGT J. T. Kastanis 351  
 JAMES T KASTANIS  
 SERGEANT

R. J. #170

BRETT J MALFETANO  
 PATROLMAN

Officer Rank/Name: PO FRANCISCO X BALLEN

Department: VILLAGE OF OSSINING POLICE DEPARTMENT  
DD Number :Case Number.: OV-00917-24  
Blotter/CC #: OV-027678-24

On October 8th, 2024, at approximately 1727 hours, I, Officer Ballen, along with Officers Malfetano and Williams, responded to the intersection of State Street and Broad Ave where Officer Marques and Officer Ryan were with a black male, later identified as Mr. Darnell Hicks (DOB05/16/1977).

Upon arrival, Officer Marques stated to Mr. Darnell Hicks (DOB05/16/1977) that if he keeps yelling any profane or abusive words on a public sidewalk, he will be arrested for disorderly conduct. I observed Mr. Hicks yelling and screaming with his cellphone which appeared to be recording at the time. Darnell Hicks continued yelling, causing bystanders to be alarmed.

While Officers explained Mr. Hicks that he has been warned multiple times, He then proceeded to say "suck my" and "you heard what I said" to Officers on scene.

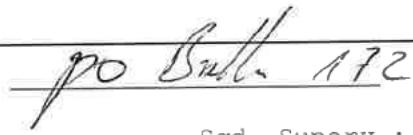
Officer Malfetano told Mr. Hicks to place his hands behind his back, and arrested him for disorderly conduct. I, Officer Ballen along with Officer Malfetano, Williams and Ryan, assisted Officer Marques place handcuffs on Mr. Hicks without any incident, he was placed in the back of RMP 117 and brought back to OPD Headquarters for processing.

At OPD Headquarter's booking room approximately at 1727 hours, as part of Ossining Police Department protocol, I asked Mr. Hicks if he could answer our mandatory suicidal screening questions, Mr. Hicks replied by saying "suck my dick" multiple times and refused to answer any of the questions. At approximately 1737 hours, I attempted to ask Mr. Hicks Ossining Police Department's suicidal questions for a second time, he said; he was not feeling suicidal.

I, along with Officer Malfetano placed Mr. Hicks in cell #3 without incident.

All events were recorded on BWC.

Signature



D.O.: \_\_\_\_\_

Sqd. Superv.: 

C.O.: \_\_\_\_\_

Officer Rank/Name: PO JASON MARQUES

Department: VILLAGE OF OSSINING POLICE DEPARTMENT  
DD Number :Case Number.: OV-00917-24  
Blotter/CC #: OV-027678-24

On 10/08/2024 at approximately 1727 hours, Officer Ryan, Officer Malfetano, Officer Ballen, Officer Williams, and I, Officer Marques, arrested a male known to officers to be Darnell Hicks (DOB 05/16/19770) for Disorderly Conduct.

Earlier in the evening, while on mobile patrol in RMP 107, Officer Ryan and I were traveling eastbound in the area of James Street, and Mr. Hicks was standing on the corner of State Street and James Street and began to yell at officers using abusive and obscene language in front of many civilians and children. Mr. Hicks yelled to officers, "Suck my dick you pussy, I'm the man hiding behind the camera, you're a bitch faggot, suck my dick pussy".

Later in the evening, as Officer Ryan and I were traveling north on State Street, Mr. Hicks, for a second time in the evening, began to yell obscenities at officers in the presence of many civilians.

At approximately 1727 hours, Officer Ryan and I were parked on Broad Avenue observing traffic when Mr. Hicks approached us, yelling obscenities in front of many civilians. Officers were also parked within 50 feet of the Ossining Children's Center. I advised Mr. Hicks that if he continues to use abusive or obscene language in a public place, he would be arrested for Disorderly Conduct.

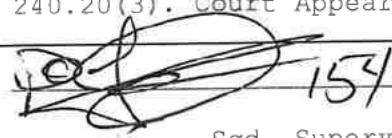
Officer Malfetano then observed Mr. Hicks continue to yell aggressively with his phone extended in his right hand, which appeared to be recording at the time. Mr. Hicks continued yelling, causing five individuals to congregate in the surrounding area around the Officers and Mr. Hicks, watching the above-listed incident.

Mr. Hicks proceeded to state to Officer Malfetano, "Suck My." After stating "Suck My" to Officer Malfetano, Mr. Hicks then stated, "You heard what I said," in an aggressive manner. Officer Malfetano told Mr. Hicks to place his hands behind his back. Officer Malfetano, Officer Ryan, Officer Ballen, and I restrained Mr. Hicks, and I then placed handcuffs on him. Mr. Hicks was arrested for using abusive and obscene language in a public place.

Officer Malfetano searched and transported Mr. Hicks to the Ossining Police Headquarters to lodge him. In the booking area, Mr. Hicks stated, "he came out here to get locked up," and continued to yell at officers stating several times, " Suck my dick." Mr. Hicks was placed in cell 3.

Darnell Hicks was issued a Desk Appearance #13126 for disorderly conduct NYS Penal Law 240.20(3). Court Appearance date 10/15/2024 0900 Hours.

Signature

 154

D.O.:

Sqd. Superv.:

SGT 231

C.O.:

Officer Rank/Name: PO BRENDAN A WILLIAMS

Department: VILLAGE OF OSSINING POLICE DEPARTMENT

DD Number :

Case Number.: OV-00917-24

Blotter/CC #: OV-027678-24

On 10/08/2024 I, PO Williams, PO Malfetano, and PO Ballen responded to Broad Ave and State Street where PO Marques and PO Ryan were speaking with an extremely irate individual identified as Ms. Darnell Hicks.

Officers Ryan and Marques were explaining to Mr. Hicks that if he continues to yell profanities in a public place, he will be arrested for disorderly conduct. Mr. Hicks continued to yell obscenities which prompted a group of people to gather in the area.

When officers were about to leave the scene, Mr. Hicks stated, "suck my." when asked what he said, he stated, "You heard what I said."

Officers placed Mr. Hicks under arrest and transported him back to Ossining Police Headquarters for arrest processing.

Signature Brendan Williams 173

D.O.: \_\_\_\_\_

Sqd. Superv.: SGT 2 351

C.O.: \_\_\_\_\_

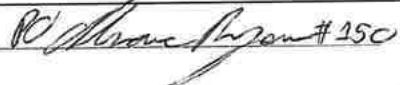
Officer Rank/Name: PO SHANE W RYAN

Department: VILLAGE OF OSSINING POLICE DEPARTMENT  
DD Number :Case Number.: OV-00917-24  
Blotter/CC #: OV-027678-24

On 10/08/2024 at approximately 1727 hours, Officer Marques and I, Officer Ryan, were observing traffic on Broad Avenue when we were approached by a male known to Officers as Darnell Hicks (DOB: 05/16/1977). Earlier in the evening, while Officer Marques and I were on mobile patrol on State Street and James Street, Mr. Hicks approached us with his cell phone and repeatedly yelled obscenities at us in the presence of many civilians walking along the street.

When Mr. Hicks approached us for the second time, he began to yell obscenities again, saying, "pussy, suck my dick." Mr. Hicks repeated this statement multiple times and appeared to be recording the interaction with his cell phone. Officer Marques and I exited our RMP and spoke to Mr. Hicks. During this time, five males began to congregate around us.

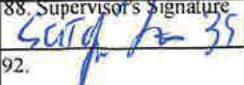
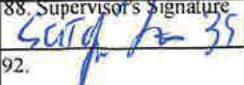
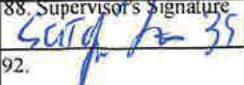
Officers Malfetano, Williams, and Ballen arrived on the scene, and Officer Marques and I warned Mr. Hicks that if he continued to use obscene language on the public sidewalk, he would be arrested for disorderly conduct. Officer Malfetano then heard Mr. Hicks say, "suck my." Officers then placed Mr. Hicks under arrest. While placing Mr. Hicks into handcuffs, I removed his cell phone from his right hand. Mr. Hicks was secured in RMP 117 and transported back to OPD Headquarters for processing.

Signature 

D.O.: \_\_\_\_\_

Sqd. Superv.: 

C.O.: \_\_\_\_\_

1. NYSID No. 7792961Q	2. OBTS No.	New York State ARREST REPORT				3. Case No. OV-00917-24	4. Ref No.																																																																																																																																				
5. FBI No. 89813LB7	6. Arrest No. OV-00543-24	7. Agency VILLAGE OF OSSINING POLICE DEPARTMENT				8. Division/Precinct																																																																																																																																					
9. Name(Last,First,Middle) HICKS DARNELL R					10. Alias/Maiden Name(Last,First,Middle)			11. Phone Number (914) 923-0716																																																																																																																																			
12. Street Number and Name, Building No., Apt.No. 901 MAIN STREET apt 6C					13. City, State, Zip PEEKSKILL NY -	14. Residence <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input checked="" type="checkbox"/> Foreign Non-Res <input type="checkbox"/> Unk	15. Place of Birth USA																																																																																																																																				
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22. Height 510	23. Weight 220	24. Hair OTH	25. Eyes XXX	26. Glasses <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Contacts	27. Build <input type="checkbox"/> Small <input type="checkbox"/> Med <input checked="" type="checkbox"/> Large	28. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	29. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	30. Citizen Of																																																																																																																																			
31. Social Security No.		32. Education 12		33. Religion PROTESTA	34. Occupation	35. Employed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	36. Scars/Marks/Tattoos(Describe)																																																																																																																																				
37. Arresting Officer MALFETANO		38. ID No. M6310	39. Assisting Officer MARQUES		40. ID No. M9185	41. Arrest Date 10/08/2024	42. Time	43. Location of Arrest STATE ST OSSINING (C <input type="checkbox"/> T <input type="checkbox"/> V <input checked="" type="checkbox"/> )																																																																																																																																			
44. Juvenile <input type="checkbox"/> Juv-No Futher Process <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		45. Condition of Defendant At Arrest <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis <input checked="" type="checkbox"/> App Norm <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/Ill				46. Weapon(s) at Arrest NONE		47. Co-defendants Arrest No.																																																																																																																																			
48. Miranda <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	49. Miranda By	50. Miranda Date	51. Mir. Time	52. Statements <input type="checkbox"/> Written <input type="checkbox"/> None <input type="checkbox"/> Verbal	53. Status <input type="checkbox"/> Bail/ROR <input type="checkbox"/> Parole <input type="checkbox"/> Probation	54. Search Warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	55. ID Procedure <input type="checkbox"/> Line Up <input type="checkbox"/> None <input type="checkbox"/> Show Up <input type="checkbox"/> Photo																																																																																																																																				
56. Arraignment Court TOWN OF OSSINING		57. Arraignment Judge REISMAN	58. Date 10/15/2024	59. Time 09:00	60. Property <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	61. Evidence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	61a. Processed By	61b. Disposition																																																																																																																																			
62. Incident No. OV-027678-24		63. Arrestee Status <input type="checkbox"/> ROR <input type="checkbox"/> Police Bail <input type="checkbox"/> Held <input type="checkbox"/> Rel to 3rd Party <input type="checkbox"/> Cash Bail <input type="checkbox"/> Bail Bond <input type="checkbox"/> App Tkt				64. Bail Amount	65. Bondsman		66. Photo No.																																																																																																																																		
67. Arrest Type <input type="checkbox"/> PW <input type="checkbox"/> IW <input type="checkbox"/> SUM <input type="checkbox"/> CIP <input type="checkbox"/> COMP <input type="checkbox"/> OP <input type="checkbox"/> FC <input type="checkbox"/> VOP <input type="checkbox"/> BW <input type="checkbox"/> AW <input type="checkbox"/> OT		68. Warrant No.		69. Arrest FOA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	70. Other Agency			71. F/P/Taken <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																																																																																			
72. Location of Offense (C <input type="checkbox"/> T <input type="checkbox"/> V <input checked="" type="checkbox"/> ) STATE ST OSSINING NY WESTCHESTER		73. Offense Date 10/08/2024	74. #Offn'drs	75. # Vict. 0	76. Return Court TOWN OF OSSINING	77. Return Judge REISMAN	78. Return Date 10/15/2024	79. Time 09:00																																																																																																																																			
80. Defendant/Case TOT Agency				80a. Officer's Name				80b. ID No.	81. Time	82. Date																																																																																																																																	
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## ARREST REPORT (continuation page)

ARREST No.: OV-00543-24CASE No.: OV-00917-24=====  
ADDITIONAL NARRATIVE  
=====

obscene language on a public sidewalk he will be arrested for disorderly conduct.

Officer Malfetano observed Darnell Hicks continue to yell in an aggressive manner with his phone extended in his right hand which appeared to be recording at the time. Darnell Hicks continued yelling, causing Five individuals to congregate in the surrounding area around the Officers and Darnell Hicks watching the above-listed incident.

Darnell Hicks proceeded to state to Officer Malfetano, "Suck My". After stating "Suck My" to Officer Malfetano Darnel Hicks then stated "You heard what I said," in an aggressive manner. Officer Malfetano told Darnell Hicks to place his hands behind his back. Officer Malfetano, Officer Ryan, Officer Ballen, and Officer Marques restrained Darnell Hicks. Officer Marques then placed handcuffs on Darnell Hicks. Darnell Hicks was arrested for using abusive and obscene language in a public place.

Officer Malfetano searched and transported Darnell Hicks to the Ossining Police Headquarters to lodge him. In the booking area Darnell Hicks stated " he came out here to get locked up". Officer Malfetano lodged Darnell Hicks in cell 3.

Darnell Hicks was issued a Desk Appearance #13126 for disorderly conduct NYS Penal Law 240.20(3). Court Appearance date 10/15/2024 0900 Hours.

## CRIME REPORT-VILLAGE OF OSSINING POLICE DEPARTMENT

BLOTER # OV-027678-24

D.D AND/OR C.R # OV-00917-24

ARREST # OV-00543-24

DATE: 10/08/2024

APPEARANCE TICKET #

RETURN DATE 10/15/2024

INSTRUCTIONS: THIS FORM PROVIDES INFORMATION NEEDED BY THE D.A.'S OFFICE FOR SCREENING OF CASES. FILL IN ALL QUESTIONS, INDICATE N/A FOR QUESTIONS NOT APPLICABLE. IF ADDITIONAL SPACE IS NEEDED, ATTACH SEPARATE SHEET OF PAPER AND INDICATE ITEM LETTER INFORMATION REFERS TO. IF SEPARATE SHEET OF PAPER IS ATTACHED, CHECK HERE.

DISTRIBUTION: REQUEST FOR  
WARRANT OR SUMMONS

ORIGINAL & COPY - COURT LIAISON  
COPY - COMMAND

ARREST  
D.D. CASE

ORIGINAL - COURT LIAISON  
COPY - PRECINCT SQUAD  
COPY - MAIN SQUAD

ARREST NUMBER

DATE OF BIRTH

OV-00543-24

## A. DEFENDANT: NAME

## ADDRESS

1. DARNELL R HICKS 901 MAIN STREET APT 6C PEEKSKILL, NY

CHARGE PL 240.20-3 DISORDERLY CONDUCT CASE NO. OV-00917-24

2. CHARGE CASE NO.

3. CHARGE CASE NO.

COURT INFORMATION PREPARED FOR CHARGES NUMBER 1. YES  NO  2. YES  NO  3. YES  NO   
WILL OTHER CASES BE CLOSED WITH ARREST? YES  NO  WILL THE DEFENDANT BE CHARGED? YES  NO  (IF NO, EXPLAIN)

## CIVILIAN &amp; POLICE CODES-

ENTER CODES IN B AND C FOR ALL PERSONS OR EXPRESSIONS THAT APPLY TO EACH INDIVIDUAL INVOLVED.

A. ARRESTING OFFICER

C. COMPLAINANT

E. EXPERT WITNESS

W. WITNESS

B. ASSISTING OFFICER

D. INVESTIGATING DETECTIVE

F. FIRST OFFICER AT SCENE

## B. CIVILIAN COMPLAINTS AND/OR CIVILIAN WITNESSES:

1. NAME ADDRESS

CODES HOME TEL BUSINESS TEL NATURE OF TESTIMONY

2. NAME ADDRESS

CODES HOME TEL BUSINESS TEL NATURE OF TESTIMONY

3. NAME ADDRESS

CODES HOME TEL BUSINESS TEL NATURE OF TESTIMONY

4. NAME ADDRESS

CODES HOME TEL BUSINESS TEL NATURE OF TESTIMONY

## C. POLICE COMPLAINANT AND/OR POLICE WITNESS AND INVESTIGATING DETECTIVE:

CODES	RANK	NAME	SHIELD NO.	SERIAL NO.	COMMAND	VACATION	SQUAD
5. PO		SHANE W RYAN	150	R1961	PTL	/ /	

## NATURE OF TESTIMONY

6. PO BRENDAN A WILLIAMS 173 W6167 PTL

## NATURE OF TESTIMONY

7. PO FRANCISCO X BALLENT 172 B4295 PTL

## NATURE OF TESTIMONY

8. A PO BRETT J MALFETANO 170 M6310 PTL

## NATURE OF TESTIMONY

9. B PO JASON MARQUES 154 M9185 PTL

## NATURE OF TESTIMONY

## D. ADMISSIONS: (WRITTEN, ORAL, OR RES GESTE (SPONTANEOUS) AT SCENE, AS CLOSELY AS POSSIBLE TO DEFENDANT'S OWN WORDS.)

## DEFENDANT'S NAME:

Type: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_ To whom made: \_\_\_\_\_

1. IF KNOWN, WHAT DID DEFENDANT OR SUSPECTS SAY TO OFFICER AT SCENE AND/OR UPON ARREST OR TRANSPORT? (WHO WAS STATEMENT MADE TO)

2. WHAT DID DEFENDANTS SAY TO INVESTIGATING DETECTIVE?

## E. SPECIFIC PLACE OF OCCURRENCE: (INCLUDE BUSINESS NAME IF ANY)

STATE ST OSSINING

DATE AND TIME OF OCCURENCE 10/08/2024 17:18 DATE AND TIME REPORTED 10/08/2024 17:27

DATE, TIME AND PLACE APPREHENDED 10/08/2024, STATE ST OSSINING

## F. STATE ANY INJURIES TO ANY CIVILIAN OR OFFICER: (INCLUDE NAME OF PERSON, NATURE, CAUSE, HOSPITAL AND DOCTOR)

INJURED PERSON: AIDED NO: \_\_\_\_\_

DETAILS

G. A.D.A. NOTIFIED: YES  NO  AT SCENE

## H: DESCRIBE OFFENSE (ANSWER WHEN, WHERE, WHO, WHAT, WHY, AND HOW)

On October 8th, 2024, at approximately 1727 hours, I, Officer Malfetano, Officer Williams, and Officer Ballen responded to the North East Corner of State Street and Broad Ave where Officer Marques and Officer Ryan were out with a black male, later identified as Darnell Hicks (DOB05/16/1977).

Upon arrival, I, Officer Malfetano observed Officer Marques and Officer Ryan with Darnell Hicks on the sidewalk. I observed Darnell Hicks yelling aggressively towards Officer Marques and Officer Ryan on the Northeast corner of Broad ave and State Street.

Officer Marques stated to Darnell Hicks (DOB05/16/1977) if he uses abusive or obscene language on a public sidewalk he will be arrested for disorderly conduct.

Officer Malfetano observed Darnell Hicks continue to yell in an aggressive

I. AUTOMOBILE ACCIDENT: ACCIDENT NO. _____	TYPE OF ACCIDENT COLLISION WITH	OTHER MOTOR VEHICLE <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER(SPECIFY) _____	FIXED OBJECT <input type="checkbox"/>	BICYCLIST <input type="checkbox"/>
INJURIES: FATAL <input type="checkbox"/> SERIOUS, REQUIRING HOSPITALIZATION <input type="checkbox"/> MINOR <input type="checkbox"/>	OTHER(SPECIFY) _____			
BREATHALIZER READING IN DRIVING WHILE INTOXICATED CASES				
TECHNICIAN TEST 1.	TEST 2.			REFUSED TEST <input type="checkbox"/>
J. LOSS OF/OR DAMAGE TO PROPERTY: ITEM DESCRIPTION	VALUE	RECOVERED(WHERE, BY WHOM, DATE)		UNRECOVERED <input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
K. IDENTIFICATION: DEFENDANT'S NAME DARNELL R HICKS	DATE, TIME, PLACE	TYPE OF I.D.(LINEUP, PHOTO, SHOW UP AT SCENE)		WITNESS NO.

L. EVIDENCE: QUANTITY AND DESCRIPTION	CASE NUMBER	OBTAINED FROM	HOW OBTAINED AND BY WHOM

## M. DEFENDANT(S) PHONE CALLS:

1. TEL.NO.(S)CALLED \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ NONE   
 2. TEL.NO.(S)CALLED \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ NONE   
 3. TEL.NO.(S)CALLED \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ NONE

## N. REMARKS:

A. ARE ANY WITNESSES POTENTIAL DEFENDANTS? YES  NO  NAME \_\_\_\_\_  
 B. BAIL COMMENTS ABOUT ANY DEFENDANTS ON PROBATION, PAROLE, POSSIBILITY OF FLIGHT, PENDING CASES AND ROOTS IN THE COMMUNITY.  
 C. RELATIONSHIP BETWEEN DEFENDANT AND WITNESSES?  
 D. DO ANY COMPLAINANTS OR WITNESSES HAVE PRIOR RECORDS?  
 E. INDICATE RELATED CASES OR POSSIBLE CO-DEFENDANTS, OR ANY SPECIAL KNOWLEDGE REGARDING THIS CASE.  
 F. DESCRIBE ANY UNRECOVERED WEAPONS OR DANGEROUS INSTRUMENTS.

FOR MISDEMEANORS: ATTACH COPY OF ARREST FORM, ORIGINAL SUPPORTING DEPOSITIONS, CLOSEOUT STATEMENTS, AND OTHER STATEMENTS AND REPORTS.  
 FOR FELONIES: ATTACH COPY OF ARREST FORM, AND 2 COPIES OF STATEMENT OF DEFENDANT, AND 1 COPY EACH OF STATEMENTS FROM ALL OTHERS INVOLVED, SUPPORTING DEPOSITIONS, CLOSEOUT STATEMENTS, AND ANY OTHER STATEMENTS AND REPORTS.

SIGNATURE - DESK OFFICER

*Sgt. J. H. 351*

SIGNATURE - SQUAD OR BUREAU SUPERVISOR(IF DD CASE)

SIGNATURE - MEMBER PREPARING FORM

*10/15/2024 #170*

**BLOTTER/CC #:** OV-027678-24  
**ARREST NO.:** OV-00543-24

**CASE REPORT # :** OV-00917-24  
**DD NUMBER.....:**       

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**H. DESCRIBE OFFENSE**

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=====

### AFFIRMATION OF SERVICE

ALIYAH PIMENTO being duly sworn, deposes, under penalty of perjury of the State of New York, which may include fine or imprisonment, says: I am not a party to this action am over 18 years of age and resident in the State of New Jersey. On 15<sup>th</sup> day of April, 2025, I served the within **LETTER MOTION TO STAY OR DISCONTINUE WITH EXHIBIT A AND CASE LAW** upon:

**VIA CERTIFIED MAIL**

Darnell R. Hicks  
*Pro se Plaintiff*  
901 Main Street, Apt. 6C  
Peekskill, NY 10566

those being the addresses designated by said attorneys for that purpose, by mail and/or depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of: the United States Post Office Department via mailing first class.

I understand that the foregoing may be used in an action or proceeding in a court of law.

Aliyah Pimento  
ALIYAH PIMENTO